

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Case No.

Plaintiff,

-vs-

TRIAL

ORDER

Defendant.

KATZ, J.

IT IS ORDERED AS FOLLOWS:

1. This case is scheduled for jury trial on **DECEMBER 16, 2008** at 9:00 a.m.

Since this case may be scheduled to commence on the same day as another case, it is the responsibility of counsel to keep in contact with chambers concerning the exact date and time of trial.

WITNESS DISCLOSURE

2. Counsel shall disclose witnesses to testify at trial no later than thirty (30) days prior to trial. Any witness not disclosed shall be prohibited from testifying at trial.

UNDISPUTED FACT STIPULATION

3. Counsel for the plaintiff shall prepare and submit to opposing counsel by **NOVEMBER 18, 2008** a proposed stipulation as to undisputed facts for use at trial, and for submission to the jury in the event of a jury trial. Opposing counsel shall add to and note disagreement, if any, with the proposed stipulation and so notify counsel for the plaintiff as to proposed additions, deletions, or objections by **NOVEMBER 25, 2008**. Counsel shall then meet and put in final form the stipulation as to undisputed facts, reserving any objections as to relevancy, and submit the signed stipulation to the Court by **DECEMBER 2, 2008**. Copies of the stipulation, in most cases, will be submitted to

the jury in all jury trials. Only the final agreed upon stipulation should be filed with the court. Copies of any documents to which the parties have stipulated should be appended to the stipulation.

TRIAL BRIEFS

4. Complete trial briefs and motions in limine, if any, shall be filed by **DECEMBER 2, 2008**. A complete trial brief includes: (a) a statement of the facts; (b) a discussion of the controlling law; (c) a list of proposed witnesses along with a brief description of the subject matter of the testimony of each witness; (d) an index of all proposed exhibits containing a brief description of each exhibit; and (e) a discussion of any evidentiary issues likely to arise at trial.

5. In a jury case, **trial briefs** also shall **include** any **proposed voir dire questions**. The Court will conduct the voir dire examination of the jury, and may supplement same with brief examination by counsel.

JURY INSTRUCTIONS

6. Counsel shall consult with each other and file **joint proposed jury instructions**, noting those areas where the parties disagree and offering alternate language as appropriate

DEPOSITIONS

6. Use at trial of videotape deposition is encouraged. The parties are specifically directed to comply with the provisions of Local Rule 32.1. In addition, when videotape depositions will be presented in lieu of live trial testimony, counsel must file with the Court a complete written transcript of the videotape deposition prior to its use.

Hard copy of deposition transcripts to be used at trial for any purpose shall be provided to Chambers as well.

EXHIBITS

7. A copy of all exhibits shall be furnished to the Court and exchanged by counsel no later

than **two (2) working days before the trial date**. There is no need to file the exhibits with the Clerk of Courts, rather they may be delivered directly to the Judge's chambers. The original exhibits should be retained by counsel to be introduced at trial.

8. Exhibits must be marked before trial with exhibit stickers, which are available from the clerk's office on request. The plaintiff shall mark exhibits with numbers and the defendant shall mark exhibits with letters. Both sides are to indicate the case number on the bottom portion of the exhibit sticker. If there are multiple parties, the party's last name should precede the numbers or letters (i.e., "Miller-1" or "Jones-A"). If the defendant has more than 26 exhibits, double letters shall be used (i.e., AA, BB, CC, etc.).

9. Counsel shall contact Cindy Reynolds, Courtroom Deputy (419) 213-5715 as soon as practicable in the event they intend to utilize electronic presentation of evidence during trial to determine the need for training in the use of courtroom equipment.

10. In the event that counsel intends to utilize advanced video technology such as a Power Point presentation during the trial, counsel must provide, both to opposing counsel and to the Court, its presentation in either compact disk or 3.5" disk form no later than the time the trial brief is to be filed.

11. If counsel have any special needs regarding demonstrative evidence *i.e.* video equipment, they must contact the Clerk of Court to make arrangements at least **one week prior to trial**.

IT IS SO ORDERED.

s/ David A. Katz
DAVID A. KATZ
U. S. DISTRICT JUDGE